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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,899	06/25/2003	David C. Holland	HOL-1002CP	4893

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EXAMINER
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HOEY, ALISSA L

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/603,899	<b>Applicant(s)</b> HOLLAND, DAVID C.	
	<b>Examiner</b> Alissa L. Hoey	<b>Art Unit</b> 3765	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

1. This is in response to amendment received on 04/26/06. Claim 1 has been amended. Claims 1-14 are finally rejected below.

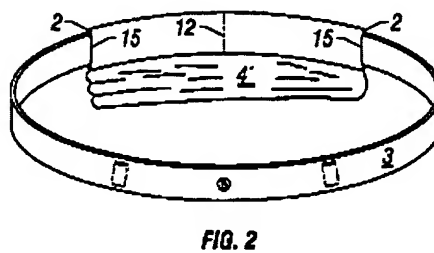
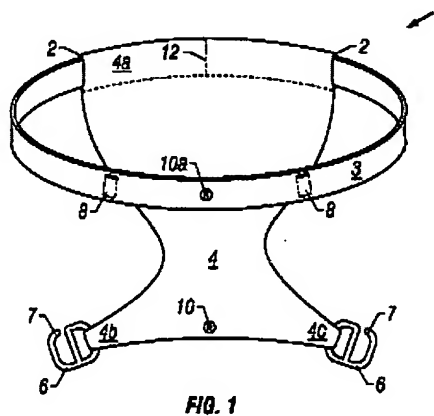
### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2 and 5-7, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Holland (US 5,991,920).



In regard to Claims 1 and 2, Holland provides a swimsuit (1) having a loop (3) adapted to completely encircle a human waist. A fastening device (7) which couples a first part of the swimsuit body (4) to a second part of the swimsuit body (8). A storage compartment (2) on the swimsuit body (4) for compactly stowing the body (4). The loop

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(3) is positioned relative to the swimsuit body (4) so that when the fastening device (7) is engaged the swimsuit (1) can be secured on a user's body.

In regard to Claim 5, Holland provides a method of removing a swimsuit body (4) that is separable at one point by a fastening device (7) while leaving the swimsuit loop (3) attached to a human body. Decoupling the fastening device (7) on a body of the swimsuit (1) and separating a first part of the body of the swimsuit (4) from a second part of the body of the swimsuit (8), compacting the body of the swimsuit (4) into a small space and storing the compacted body of the swimsuit using at least one storage compartment (2) on the body of the swimsuit (4). Finally, using the loop (3) that encircles the user for supporting the swimsuit (1) while compacted in the storage compartment (2) on the user.

In regard to Claim 6, Holland provides the method of compacting the body (4) of the swimsuit (1) using the at least one storage compartment (2) and storing through an opening (12) at an end of the storage compartment (2).

In regard to Claim 7, Holland provides the at least one storage compartment (2) comprises two storage compartments (column 2, lines 29-41).

In regard to Claims 11 and 12, Holland provides a swimsuit (1) comprising a loop (3) adapted to completely encircle a human waist. A body (4) having a front end and a rear end (figure 1). A fastener (7) for detachable coupling the rear end of the body (4) to the loop (3) and a storage compartment (2) on the front of the swimsuit (1) for compactly stowing the body (4). The loop (3) is positioned relative to the swimsuit body (4) so that when the fastener (7) is attached the swimsuit may be worn by a user.

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Further, Holland teaches the front end of the swimsuit body having a greater width than the rear of the swimsuit body (see figure 1, the end of the suit with storage pocket (2) is the front end and the back end is the end with the fastener (10), as seen in figure 1, the end with the pocket has a greater width than the end with the fastener.).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 4, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holland.

Holland provides a collapsible swimsuit (1) as described above in claims 1 and 11. However, Holland fails to teach the loop being a decorative chain that is resistant to corrosion.

In regard to Claims 3, 4, 13 and 14, Holland provides a loop (3) comprises an elastic material and a tubular member (column 2, lines 26-29).

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to having provided the loop in a chain material that is resistant to corrosion because Applicant has not disclosed that providing the loop in a chain material that is resistant to corrosion provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform

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equally well with the loop being any material including an elastic fabric material or a chain that is resistant to corrosion because as long as the loop secures the swimsuit to the user's waist it can be made out of any material as desired. Therefore, it would have been an obvious matter of design choice to modify Holland to obtain the invention as specified in claims 3, 4, 13 and 14.

6. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holland in view of Ortmeier (US 6,018,823)

In regard to claim 8, Holland teaches a collapsible swimsuit comprising, separating a swimsuit body at at least one position. Attaching at least one fastening device to the swimsuit at the at least one separation position. The at least one fastening device enabling fastening of one portion of the swimsuit body to another portion of the swimsuit body and attaching a loop capable of at least partially enclosing a human waist to the swimsuit.

However, Holland fails to teach the storage compartment being attached to the body of the swimsuit by a piece of material.

Ortmeier, teaches a pocket attached to an undergarment for the storage (30).

In regard to claim 9, Holland teaches the loop being capable of completely encircling a human waist.

In regard to claim 10, Holland teaches a loop (3) comprises an elastic material and a tubular member (column 2, lines 26-29).

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have provided the loop in a

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chain material because Applicant has not disclosed that providing the loop in a chain material provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the loop being any material including an elastic fabric material or a chain because as long as the loop secures the swimsuit to the user's waist it can be made out of any material as desired. Therefore, it would have been an obvious matter of design choice to modify Holland to obtain the invention as specified in claim 10.

It would have been obvious to have provided the collapsible swimsuit of Holland with the attached pocket of Ortmeier, because the swimsuit of Holland provided with an additional pocket attached to the body of the garment would provide a place to store items when not needed by the wearer.

### ***Response to Arguments***

7. Applicant's arguments filed 04/26/06 have been fully considered but they are not persuasive.

I) Applicant argues that Holland (US 5,991,920) fails to teach a second part of the swimsuit body.

Examiner disagrees since Holland teaches a first part of the swimsuit body (4) and a second part of the swimsuit body (8). The second part of the swimsuit body is a fabric loop that is attached to the waist loop (3). There is no limitation in the claim stating that the swimsuit body comprising two parts cannot be two separate parts or that

one part of the swimsuit body cannot be attached to the waist loop. As claimed Holland meets the limitation of a second part of the swimsuit body.

II) Applicant argues that Holland fails to teach the front end of the body having a greater width than the rear end of the swimsuit body.

Examiner notes that the rear and front end of the swimsuit body have no correlation to the placement on the wearer as claimed. As long as there is a front end and a rear end, either end can be labeled as desired by the onlooker. As long as one end is wider and the opposite end detachably couples to the waist loop the front and rear can be labeled as desired.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (571) 272-4985. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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